

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**IN THE MATTER OF THE SEARCH OF
THE CELLULAR TELEPHONE
ASSIGNED CALL NUMBER 937-518-2205
AND INFORMATION ASSOCIATED
WITH THAT NUMBER THAT IS IN THE
CUSTODY OR CONTROL OF VERIZON**

Case No. 3:23-MJ-531

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING VERIZON NOT TO NOTIFY ANY
PERSON OF THE EXISTENCE OF WARRANT**

The United States requests that the Court order Cellco Partnership d/b/a Verizon Wireless (“Verizon”) not to notify any person including the subscribers and customers of the account(s) listed in the Warrant of the existence of the attached Warrant for one (1) year from the date of the Order.

Verizon is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached Warrant, which requires Verizon to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, Warrant, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, Warrant, or court order.” *Id.*

In this case, such an order would be appropriate because the attached Warrant relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached Warrant will seriously jeopardize the investigation or unduly delay a trial, including by: giving targets an opportunity to flee, destroy or tamper with evidence, and/or change patterns of behavior. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the

existence of the Warrant, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Verizon not to disclose the existence or content of the attached Warrant for one (1) year from the date of said Order, except that Verizon may disclose the attached Warrant to an attorney for Verizon for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed on December 10, 2023.

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/Kelly K. Rossi
KELLY K. ROSSI (NM147107)
Assistant United States Attorney
200 West Second Street, Suite 600
Dayton, Ohio 45402
(937) 225-2910
Kelly.Rossi@usdoj.gov